

March 7, 2016

## VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW

**Re: Notice of Ex Parte** In the Matter of *Lifeline and Link Up Reform and Modernization* (WC Docket No. 11-42); *Telecommunications Carriers Eligible for Universal Service Support* (WC Docket No. 09-197); *Connect America Fund* (WC Docket No. 10-90)

Dear Ms. Dortch:

On Thursday, March 3, 2016, representing Total Call Mobile (TCM), Michael Morrissey, Vice President-General Counsel, Total Call Mobile, LLC and Locus Telecommunications, LLC, along with Geoff Why of Mintz Levin and Rachel Sanford Nemeth of ML Strategies, met with Rebekah Goodheart of the Office of Commissioner Clyburn and Travis Litman of the Office of Commissioner Rosenworcel. Mr. Why also met with Ryan Palmer of the Wireline Competition Bureau. The purpose of these meetings was to discuss TCM's development of Lifeline broadband products as well as the potential negative impacts of the proposed Snapshot Rule<sup>1</sup>.

TCM is expected to begin offering low cost broadband data plans to Lifeline customers for purchase in addition to the voice and text plans they already receive as part of the program. These plans will initially be offered in California and eventually will be available nationwide throughout the TCM footprint, and will include the necessary devices (smartphones). In addition to the data available under these low cost plans, TCM Lifeline customers will also be able to access broadband through the Wi-Fi chips embedded in each smartphone.

In August 2015, TCM participated in the Lifeline Connects Coalition petition for reconsideration which asserted that the Commission's method for establishing a uniform snapshot date proposed in the *Lifeline Second Report and Order* would "result in many situations where ETCs provide Lifeline benefits to eligible low-income consumers without receiving reimbursement for such services."<sup>2</sup> There were no filings in opposition to this petition.

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<sup>1</sup> See *Lifeline and Link Up Reform and Modernization*, et al., WC Docket 11-42, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015) (Second Report and Order).

<sup>2</sup> Wireless ETC Petitioners' Petition for Reconsideration and Clarification, at 8; FCC, WC Docket No. 11-42; WC Docket No. 09-197; WC Docket No. 10-90 (filed Aug. 13, 2015).

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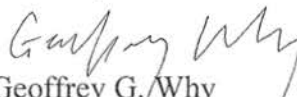
TCM has previously provided data to the Commission illustrating the potential negative impacts of the proposed Snapshot Rule, which would cause the company to lose approximately \$1.6 million in revenue per year.<sup>3</sup> The other members of the Lifeline Connects Coalition who are party to the petition for reconsideration have also discussed the Snapshot Rule with the Commission.<sup>4</sup> The Coalition members will also likely submit illustrative data about the financial impact of the proposed rule to the Commission soon.

In addition, to the information provided by TCM and the Lifeline Connects Coalition, the Rural Representatives noted their concerns with the Snapshot Rule in an ex parte filed on February 2.<sup>5</sup> Specifically, the Rural Representatives stated that the Snapshot Rule as proposed would strain their small staffs and suggested that ETCs should be allowed to take a “snapshot” of their number of subscribers as of their carrier-specific billing dates rather than the first of the month.<sup>6</sup>

TCM respectfully asks the FCC to listen to the stakeholders who have expressed concern and change the Snapshot Rule to reimburse Lifeline service providers in a way that accurately reflects the services they have actually provided. If the Snapshot Rule is not addressed, it will be more difficult for Lifeline service providers to continue to invest and innovate in broadband – which TCM understands is a priority of the Commission.

Pursuant to Section 1.1206 of the Commission’s rules, this letter is being filed via ECFS, and a copy will be provided via email to the attendees.

Sincerely,

  
Geoffrey G. Why

cc: Rebekah Goodheart, Office of Commissioner Clyburn  
Travis Litman, Office of Commissioner Rosenworcel  
Ryan Palmer, Wireline Competition Bureau

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<sup>3</sup> Ex Parte filing of Total Call Mobile, WC Docket Nos. 11-42, 09-197, 10-90 (filed Oct. 27, 2016).

<sup>4</sup> Ex Parte filing of Lifeline Connects Coalition, WC Docket Nos. 11-42, 09-197, 10-90 (filed Jan. 28, 2016).

<sup>5</sup> Ex Parte filing of JSI, NTCA, and WTA, WC Docket No. 11-42 (filed Feb. 2, 2016).

<sup>6</sup> *Id.* at pg. 3.